

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	ORDER OF
)	
or Suspension of the Educators)	SUMMARY SUSPENSION
)	
Certification of Alvin Moore Usher)	
)	
Certificate #097371)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on July 8, 2003. The State Department of Education (Department) will send a notice of the possible suspension or revocation of his South Carolina educators certificate #097371 (certificate) to Mr. Alvin Moore Usher by certified mail, return receipt requested, delivery restricted to addressee. In the interim in accordance with S.C. Code Ann. §1-23-370(c) (1986), the Department requested that the State Board summarily suspend Mr. Usher's certificate until a due process hearing is held, or this matter is otherwise resolved. The Department has reason to believe, due to the nature of the misconduct that led to Mr. Usher being placed on administrative leave that Mr. Usher, may pose a threat to the health, safety, or welfare of students that may be under his instruction. This summary suspension will be reported to all school districts in South Carolina and the NASDTEC Clearinghouse as a summary suspension pending due process proceedings. After considering the evidence presented by the Department, the State Board voted to summarily suspend Mr. Usher's certificate until a due process hearing is held, or this matter is otherwise resolved.

Mr. Usher holds a valid South Carolina certificate. Mr. Usher had a teaching/coaching contract with the Chesterfield County School District (District) for the 2002 – 2003 school year. He was placed on administrative leave on February 7, 2003, from Pageland Central High School following an investigation into allegations that he had inappropriately touched a fifteen-year old student. It is alleged that Mr. Usher touched a students breasts, put his hands in her

pants and asked her to have sex. Mr. Usher was arrested on June 11, 2003, and charged with Committing a Lewd Act on a Child Under Sixteen.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (1990). Just cause includes: "immorality; any conduct involving moral turpitude; unprofessional conduct; and crime against the law of this State or the United States." S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Ann. Regs. 43-58 (1992). In accordance with S.C. Code Ann. § 1-23-370(c) (1986), "If the agency finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action." The State Board finds that there is reason to believe that Mr. Usher may pose a threat to the welfare of students that may be under his instruction. Accordingly, the State Board thereby summarily suspends Mr. Usher's certificate # 097371 until a due process hearing is held, or this matter is otherwise resolved.

South Carolina State Board of Education

By: /S/ Greg Killian
Greg Killian
Chair

Columbia, South Carolina
July 8, 2003